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SENATE BILL 5417

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State of Washington

59th Legislature

2005 Regular Session

By Senators Weinstein, Esser, Jacobsen, Rasmussen, Kastama, Rockefeller, Shin, Carrell, Regala, Kohl-Welles, Pridemore, Franklin, Keiser, Kline, Sheldon and McAuliffe

Read first time 01/24/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to restricting access to motor vehicles for persons  
2 arrested for alcohol offenses; adding new sections to chapter 46.61  
3 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that it is imperative  
6 to ensure that people who are arrested for driving under the influence  
7 of intoxicating liquor or any drug are not released to third parties  
8 who then allow them to resume control of a motor vehicle. It is the  
9 purpose of this act to enhance public safety by reducing the  
10 probability that a person arrested for driving under the influence of  
11 alcohol or drugs will have access to a motor vehicle while still  
12 impaired by the alcohol or drugs.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW  
14 to read as follows:

15 (1) Whenever the driver of a vehicle is arrested for a violation of  
16 RCW 46.61.502 or 46.61.504, the vehicle is subject to impoundment at  
17 the direction of a law enforcement officer. The impounded vehicle may

1 be redeemed after twelve hours have expired from the time of arrest and  
2 after all towing, removal, and storage fees are paid.

3 (2) Notwithstanding subsection (1) of this section, a rental car  
4 business may immediately redeem a rental vehicle it owns by payment of  
5 the costs of removal, towing, and storage.

6 (3) Notwithstanding subsection (1) of this section, a motor vehicle  
7 dealer or lender with a perfected security interest in the vehicle may  
8 redeem or lawfully repossess a vehicle immediately by payment of the  
9 costs of removal, towing, and storage.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW  
11 to read as follows:

12 (1) Before a law enforcement officer releases a person arrested for  
13 a violation of RCW 46.61.502 or 46.61.504 to a third person, the  
14 officer shall serve notice in writing on the third person advising the  
15 person of potential civil and criminal liability if the person  
16 facilitates or permits the arrested person released to his custody to  
17 resume operation of a motor vehicle while still intoxicated or  
18 impaired.

19 (2) Before the arrested person is released to a third person,  
20 receipt of the notice must be acknowledged in writing by the third  
21 person.

22 (3) If the third person refuses to sign the acknowledgment, the  
23 person arrested for a violation of RCW 46.61.502 or 46.61.504 shall  
24 remain in custody.

25 NEW SECTION. **Sec. 4.** This act may be known and cited as "John's  
26 Law."

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